

**UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF LOUISIANA**



**ADMINISTRATIVE PROCEDURES FOR FILING, SIGNING AND
VERIFYING PLEADINGS AND PAPERS BY ELECTRONIC MEANS
As amended September 16, 2004**

**ADMINISTRATIVE PROCEDURES FOR FILING, SIGNING AND
VERIFYING PLEADINGS AND PAPERS BY ELECTRONIC MEANS**

I. SCOPE OF ELECTRONIC FILING

Designation of Cases

All new and open cases and their related adversary proceedings shall be assigned to the Electronic Case Filing System.

II. ELIGIBILITY, REGISTRATION AND PASSWORDS FOR THE ELECTRONIC FILING SYSTEM (“System”)

A. Passwords

1. Each attorney admitted to practice in this Court and currently in good standing shall be entitled to one (1) System password. This password shall permit the attorney to participate in the electronic retrieval and filing of pleadings and other documents in accordance with the System. Registration for a password is governed by paragraph II. B.
2. Creditors, not represented by an attorney, may file electronically. Creditors must obtain a System password. Registration for a password is governed by paragraph II. B.

B. Registration

1. A registration form (Appendix A) must be submitted for each attorney/trustee/creditor (“participant”) filer.
2. All registration forms are to be returned to the United States Bankruptcy Court, United States Court House, 300 Fannin Street, Ste. 2201, ATTN: MITZIE DENIS, Shreveport, Louisiana 71101.
3. After completion of training with the Clerk’s Office, and completion and submission of the Application For Use of Electronic Case Filing System, each registering participant will be assigned a login and a password for the System. Each participant will receive an Internet e-mail message after his/her password has been assigned. This is to insure that the participant’s Internet e-mail address has been entered correctly in the System. The assigned login and password is included in the Internet e-mail message. Unless excused by the court, each participant must also complete the credit card authorization form as described in C. (Fees Payable to the Clerk), prior to the issuance of a login and a password for the System.
4. No participant may change the assigned password. In the event a participant believes that the security of an existing password may have been compromised, the participant shall immediately notify the Clerk’s Office. If a participant forgets password information, the Clerk’s Office will assign a new password that will be provided to the participant in accordance with Paragraph B(3).

5. If any of the information on the Registration Form changes, e.g., mailing address, e-mail address, etc., the attorney may send the new information by letter to the United States Bankruptcy Court, United States Court House, 300 Fannin Street, Ste. 2201, ATTN: MITZIE DENIS, Shreveport, LA 71101.

C. Fees Payable to the Clerk

Prior to the electronic filing of any pleading or document requiring a filing fee, each registering participant paying by credit card must have completed a Credit/Debit Card Blanket Authorization Form (Appendix B) and such form must have been received and approved by the Financial Department of the Office of the Clerk. This form needs to be submitted only once. It will be kept on file in the Office of the Clerk and shall remain in effect until specifically revoked in writing. The cardholder has the responsibility to notify the Office of the Clerk:

1. of the new expiration date when the credit card has been renewed; or
2. if the credit card is canceled.

Participants paying by check or cash must make payment of filing fees within forty-eight (48) hours of filing.

III. CONSEQUENCES OF ELECTRONIC FILING

A. Privacy

To address the privacy concerns created by Internet access to court documents, litigants may modify or partially redact certain personal data identifiers appearing in pleadings or other papers. The following data may be abbreviated as follows:

1. Minors' names: Use relationship only.
- *2. Financial account numbers: Use only the last four digits.
- *3. Social Security numbers: Use only the last four digits on all required documents except for the Statement of Social Security Number required by Bankruptcy Rule 1007(f).
4. Dates of birth: Use only the age.

*** FEDERAL RULES OF BANKRUPTCY PROCEDURE AND OFFICIAL BANKRUPTCY FORMS
AS AMENDED DECEMBER 1, 2003.**

B. Filing

Effecting an electronic filing, via the Internet, in accordance with these Administrative Procedures shall constitute entry of that filing on the docket kept by the Clerk of the Court under FRBP 5003. All orders, decrees, judgments and proceedings of the Court will be entered in accordance with the Administrative Procedures, which shall constitute entry on the docket record kept by the Clerk of Court under FRBP 5003 and for purposes of FRBP 9021. WHEN A DOCUMENT HAS BEEN FILED ELECTRONICALLY THE OFFICIAL RECORD IS THE ELECTRONIC RECORDING OF THE DOCUMENT AS STORED BY THE COURT, AND THE FILING PARTY IS BOUND BY THE DOCUMENT AS FILED.

1. Registered participants shall file electronically all petitions, motions, pleadings, briefs, memorandums of law, or other documents required to be filed with the Court in connection with a case.
2. An attorney who electronically files a pleading or other documents shall be responsible for designating a docket entry title for the document by using one of the docket event categories prescribed by the Court.
3. The Office of the Clerk shall not maintain a paper court file in any case filed after the effective date of these procedures except as otherwise directed by the Court.

C. **Pro Se Filers**

Pro se filers shall file fully signed paper originals of all petitions, lists, schedules, statements, amendments, pleadings, affidavits, and other documents which must contain either original signatures or verification by unsworn declaration under any applicable rule or statute. These documents will be scanned by the Office of the Clerk and the original documents will be retained by the Clerk of Court for at least five (5) years after the case is closed.

D. **Signatures And Service**

The use of the participant's login/password shall constitute the signature of the participant as set forth in Section VIII. Each registered participant shall effect service as set forth in Section IX.

E. **Correcting Documents Filed in Error**

1. Once a document is submitted, and it becomes part of the case docket, corrections to the docket or the Electronic Filing System are made only by the Office of the Clerk or as the Court may direct.
2. A document incorrectly filed in a case may be the result of posting the wrong Portable Document Format ("PDF") file to a docket entry, or selecting the wrong document type from the menu, or entering the wrong case number. **DO NOT ATTEMPT TO REFILE THE DOCUMENT!**
3. As soon as an error is discovered, contact the Clerk's Office. Be sure to have the case number and document number for which the correction is being requested. If appropriate, the Court will make an entry indicating that the document was filed in error. You will be advised *if* you need to refile the document. The System will not permit you to make changes to the document(s) or docket entry filed in error once the transmission has been accepted.

IV. ORDERS

A. Form and Entry

All orders, decrees, judgments, and proceedings of the court will be filed in accordance with these rules, and such filing will constitute an entry on the docket kept by the Clerk of Court under FRBP 5003 and 9021. Orders will be submitted in such form as the Court may direct. Orders presented for entry should not state that the document is "proposed" in the body or caption of the order. All signed orders will be filed by the Court or Court personnel. Any Order filed electronically has the same force and effect as if the judge had affixed the judge's signature to a paper copy of the order and it had been entered on the docket in a conventional manner.

B. Submission

(1). Submission of Orders on Motions with "20 day" or "15 day, ify" language

After the expiration of the last day for serving and filing objections, if none have been filed, the moving party shall submit to the court an order for entry that grants the relief requested in the original pleading. In addition, the following paragraph shall be appended at the end of the order, before the signature line:

The entity submitting this order represents to the Court that the underlying motion was filed and served in conformity with the local rules, that no pleading or response has been filed in opposition thereto, and that the relief to be granted by this order is consistent with the relief pled for in that motion.

Two lines below the line for the Court's signature, at the left margin, the following information regarding the submitting entity shall be submitted:

This order was prepared and is being submitted by:

Firm name

By _____

Attorney for _____

Bar Number _____

Mailing Address _____

Telephone Number _____

(2). Submission of All Other Orders:

All other orders, including orders resulting from a hearing or other disposition by the Court, shall be submitted in the form and bearing such signature(s) of counsel and/or parties as the Court may direct.

V. CLAIMS, EXHIBITS AND ATTACHMENTS

A. Filing Claims

Claims may be filed electronically, if the claimant is a registered participant, or conventionally. Claims submitted in conventional fashion will be imaged into the System by the Court, at the discretion of the Clerk of Court. For the convenience of the filer, claims that reference attachments, including but not limited to leases, notes, and the like, may be submitted in summary form. Such a summary need only include a brief description of the documents that are directly germane to the matter under consideration by the Court. The summary should be submitted as part of the claim. The filer should also file a statement that the actual attachments are available to counsel and the Court upon request. The statement should be appended to the underlying claim and submitted as a PDF document. The actual attachments must be available in the Courtroom at anytime they are intended to be used as evidence or if the allowance of the claim is the subject of the hearing.

B. Attachments

For the convenience of the filer, attachments to documents filed electronically, including but not limited to leases, notes, and the like, may be submitted in summary form as described in A. above. In addition, excerpts may be submitted of the referenced attachments that are directly germane to the issues to be considered by the Court. Excerpted materials must be clearly and prominently identified as such. The filing of an excerpt of a document shall not prejudice the right of a filer to timely file additional excerpts of the complete attachment. Responding parties may timely file additional excerpts or the complete attachment if they believe that the excerpts or the complete attachments are directly germane to the issues to be considered by the Court.

C. Exhibits To Be Introduced Into Evidence

Exhibits offered into evidence by parties during Court hearings must be submitted in hard copy. After a final judgment has been entered and the appeal period has expired, exhibits will be returned to the filing party(ies).

VI. DOCUMENTS TO BE FILED UNDER SEAL

A motion to seal may be filed electronically; however, the actual document(s) to be filed under seal shall be filed conventionally. The order of the Court authorizing the filing of such document(s) under seal will be entered electronically by the Office of the Clerk and a paper copy of the order shall be attached to the document(s) under seal and delivered to the Office of the Clerk.

VII. RETENTION OF DOCUMENTS

The attorney of record or the party filing any document in a bankruptcy case shall maintain the original signed document(s) for at least five (5) years after the case is closed. The System provides notice of case closing. In Adversary proceedings, the parties shall maintain the original document until after all time periods for appeals have expired and at least five (5) years after the Adversary proceeding is closed. Upon request, the original documents must be provided to other parties or the court for review. *See Federal Rule of Bankruptcy Procedure 9011.*

VIII. SIGNATURES

- A. Use of the participant's login/password constitutes the participant's signature for all purposes for documents which must contain original signatures.
- B. Any document containing original signatures shall indicate on the electronically filed document a signature by noting - "/s/Jane Doe." The originally executed document shall be maintained by the filer.
- C. Except as provided otherwise by the Administrative Procedures, all pleadings and other documents including motions, petitions, lists, schedules and statements, amendments, pleadings, affidavits, and other documents that contain original signatures shall be filed electronically.
 - 1. Each electronic filer shall execute and file, no later than forty-eight (48) hours following the date the petition was electronically filed, a Declaration Re: Electronic Filing of Petition, Schedules & Statements form. (Appendix C.) The originally executed declaration shall be maintained by the Clerk of Court.
- D. The following procedure applies when a stipulation or other document requires two (2) or more signatures:
 - 1. The filing attorney or party originating the document shall initially confirm that the content of the document is acceptable to all persons required to sign the document and shall obtain the signatures of all parties on the document. For purposes of this rule, physical, facsimile or electronic signatures are permitted. A document may be signed in counterparts. Federal Rule of Bankruptcy Procedures 9011.
 - 2. The filing attorney or party shall file the document electronically, indicating the signatories, e.g., "/s/Jane Doe."
 - 3. The filing attorney or party shall maintain the original signed document as set forth in Part VII.

IX. SERVICE OF DOCUMENTS

- A. Whenever a pleading or other paper is filed electronically in accordance with these procedures, the System will automatically generate a "Notice of Electronic Filing" by electronic means at the time of docketing.
- B. The filing attorney shall serve the pleading or other paper upon all persons entitled to notice or service in accordance with the applicable rules, or, if service by first class mail is permitted under the rules, the filing attorney may make service in accordance with Paragraph IX.C. below.
- C. An attorney filing a pleading or other paper electronically may serve the "Notice of Electronic Filing" by electronic means and such service will be considered the equivalent of service of the pleading or other paper by first class mail, postage prepaid, ***if and only if the recipient of notice or service is a registered participant in the System.***

- D. A certificate of service on all parties entitled to service or notice is still required when a party files a document electronically. The certificate must state the manner in which service or notice was accomplished on each party so entitled. Service and notice must be made according to the Federal Rules of Bankruptcy Procedure and the Local Rules.

X. NOTICE OF COURT ORDERS AND JUDGMENTS

(Deleted)

XI. TECHNICAL FAILURES

The Clerk's Office shall deem the United States Bankruptcy Court for the Western District of Louisiana's Website to be subject to technical failure on a given day if the site is unable to accept filings continuously or intermittently over the course of any period of time greater than one (1) hour after 10:00 a.m. that day. Known system outages will be posted on our web site, as applicable, if possible.

- A. Problems in the participant's office, such as phone line problems, problems with the filer's Internet Service Provider (ISP), or hardware or software problems, will neither constitute a technical failure under these procedures nor excuse an untimely filing. A filer who cannot file a document electronically due to a problem in the participant's office must file the document conventionally or contact the Clerk's Office for permission to file the document provisionally via fax. If the filer provisionally files a document, the filer then must conventionally or electronically file the document within forty-eight (48) hours after faxing it.
- B. A participant whose filing is made untimely as the result of a technical failure of the court's System may seek appropriate relief from the court.

XII. PUBLIC ACCESS TO THE SYSTEM DOCKET

A. Public Access at the Court

Electronic access to the electronic docket and documents filed in the System is available to the public at no charge at each Divisional Office of the Clerk during regular business hours.

B. Internet Access

Although any person can retrieve and view documents in the System and access information from it without charge at the Clerk's Offices, electronic access to the System for viewing purposes is otherwise limited to subscribers to the Public Access to Court Electronic Records ("PACER") System and, in accordance with the ruling of the Judicial Conference of the United States, a user fee will be charged for accessing certain detailed case information, such as reviewing filed documents and docket sheets, but excluding review of calendars and similar general information. Information regarding subscribing to PACER is available at the court's Web site at www.lawb.uscourts.gov and at each Divisional Office of the Clerk.

C. Conventional Copies and Certified Copies

Conventional copies and certified copies of electronically filed documents may be purchased at the Office of the Clerk. The fee for copying and certification will be in accordance with 28 U.S.C. §1930 and the Bankruptcy Court Miscellaneous Fee Schedule.

APPENDIX A
UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF LOUISIANA

APPLICATION FOR USE
OF ELECTRONIC CASE FILING SYSTEM

☐ Original

☐ Amended

NAME: _____

☐ ATTORNEY

☐ TRUSTEE

☐ CREDITOR

ADDRESS: _____

CITY, STATE AND ZIP: _____

PHONE #: _____ FAX #: _____

E-MAIL ADDRESS: _____

FIRM PACER ID # _____

BAR ID #: _____ STATE OF _____

Training in the Western District of Louisiana is required before access is permitted to the Electronic Case Filing System unless previously certified in the Eastern or Middle District of Louisiana. Verification with the applicable district must be provided before access will be permitted. Please select one of the following court offices in which you received your training:

☐ Shreveport

☐ Alexandria

☐ Opelousas

☐ Lake Charles

☐ Eastern District of Louisiana ☐ Middle District of Louisiana

1. ***Pro Hac Vice Application:*** I affirm that I am admitted to practice in the United States Courts for the _____ District of _____ (applicable state) and the information set forth above is true and correct.
2. **Claims or Other Limited Use Application:** I affirm that I am authorized to prepare and file Proofs of Claim, Application(s) To Withdraw Unclaimed Funds, Notice(s) of Appearance, Assignment of Claim(s), Transfer of Claim(s), and/or am authorized to execute and submit Reaffirmation Agreement(s) on behalf of _____.

(attach separate sheet if necessary)

3. I understand that use of my password to file a document in a bankruptcy case or proceeding will constitute my signature upon the document and my signing of any proofs of claim or other papers or documents filed by use of the password obtained pursuant to this Application.
4. I understand that it is my responsibility to maintain in my records all documents bearing my original signature that are filed using my password, and all documents bearing the original signature of any signer on whose behalf I file the documents using my password, for a period of five (5) years after the case or proceeding in which the papers are filed has been closed.
5. I understand that it is my responsibility to protect and secure the confidentiality of my password. If I believe that my password has been compromised, it is my responsibility to notify the court in writing, immediately.
6. I understand that it is my responsibility to notify the court, immediately, of any change in my address, telephone number, fax number, or e-mail address.
7. By registering for use of the CM/ECF filing processes, per II. B. above, one is deemed to have "consented to in writing" to the service by electronic means of any pleading or other paper required to be served under Rule 5 of the Federal Rules of Civil Procedure, provided such service is made via electronic means set forth herein at the current e-mail address of the person or entity served, as disclosed in the CM/ECF database.
8. At this time, the requirements for filing, viewing and retrieving case documents are:
 - ✧ A personal computer with a standard operating system (i.e., Windows 95 or higher or Macintosh)
 - ✧ Internet access*
 - ✧ Netscape Navigator 4.6 or 4.7 or Internet Explorer 5.5
 - ✧ Adobe Acrobat and Exchange software **
 - ✧ Windows or Macintosh based petition and word processing software
 - ✧ A scanner for documents which are not in your word processor or petition software

Notes:

*High speed Internet access is recommended, but **NOT** required. (i.e., cable modems, DSL, etc.)

Adobe Acrobat is needed. Be sure not to confuse Adobe Acrobat with Adobe Acrobat Reader. You will need to view **AND create .pdf files. The Reader version of Acrobat will not allow you to create .pdf files, only to read and view them. You can find descriptions of the procedures at [http: www.adobe.com](http://www.adobe.com)

DO NOT use (AOL) American Online's version of Netscape Navigator, or a version of Navigator lower than 3.0.

I agree to adhere to court procedures for the Electronic Case Filing System. I understand that it is my responsibility to learn and use any and all updates to the Electronic Case Filing System procedures.

Applicant Signature

Date

Please return to: **United States Bankruptcy Court**
 United States Court House
 300 Fannin Street, Ste. 2201
 ATTN: MITZIE DENIS
 Shreveport, Louisiana 71101

APPENDIX B

UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF LOUISIANA

IN RE:

BANKRUPTCY NO.

**DECLARATION RE: ELECTRONIC FILING OF PETITION, SCHEDULES
& STATEMENTS and STATEMENT OF SOCIAL SECURITY NUMBER(S)**

PART I - DECLARATION OF PETITIONER(S)

I [We] _____ and _____
the undersigned debtor(s), **hereby declare under penalty of perjury** that the information I have given my attorney and the information provided in the electronically filed petition, statements, and schedules is true and correct. I consent to my attorney sending my petition, this declaration, statements and schedules to the United States Bankruptcy Court. I understand that this DECLARATION RE: ELECTRONIC FILING is to be filed with the Clerk no later than forty-eight (48) hours following the date the petition was electronically filed, and all schedules and statements are to be filed no later than fifteen (15) days following the date the petition was electronically filed. I understand that the original of this DECLARATION RE: ELECTRONIC FILING OF PETITION, SCHEDULES & STATEMENTS will be maintained by the Clerk of Court. I further understand that failure to file the signed original of the DECLARATION will cause my case to be dismissed pursuant to F.R.B.P. without further notice.

☐ [If petitioner is an individual whose debts are primarily consumer debts and has chosen to file under chapter 7] I am aware that I may proceed under chapter 7, 11, 12 or 13 of 11 United States Code, understand the relief available under each such chapter, and choose to proceed under chapter 7. I request relief in accordance with the chapter specified in this petition.

☐ [If petitioner is a corporation or partnership] I declare under penalty of perjury that the information provided in this petition is true and correct, and that I have been authorized to file this petition on behalf of the debtor. The debtor requests relief in accordance with the chapter specified in this petition.

Dated:

Signed:

Applicant

Joint Applicant

PART II - DECLARATION OF ATTORNEY

I **declare under penalty of perjury** that I have reviewed the above debtor's petition and that the information is complete and correct to the best of my knowledge. The debtor(s) will have signed this form before I submit the petition, schedules, and statements. I will give the debtor(s) a copy of all forms and information to be filed with the United States Bankruptcy Court. I further declare that I have examined the above debtor's petition, schedules, and statements and, to the best of my knowledge and belief, they are true, correct, and complete. If an individual, I declare that I have informed the petitioner that [he, she or they] may proceed under chapter 7, 11, 12 or 13 of Title 11, United States Code, and have explained the relief available under each such chapter. This declaration is based on all information of which I have knowledge.

Dated:

Signed:

Attorney for Debtor(s)

PART III - STATEMENT OF SOCIAL SECURITY NUMBER(S) - RULE 1007(f)

1. Name of Debtor: _____

☐ Debtor has a Social Security Number and it is _____ - _____ - _____
(If more than one, provide all.)

☐ Debtor does not have a Social Security Number.

2. Name of Joint Debtor: _____

☐ Joint Debtor has a Social Security Number and it is _____ - _____ - _____
(If more than one, provide all.)

☐ Joint Debtor does not have a Social Security Number.

I (We) declare under penalty of perjury that the foregoing is true and correct.

Dated:

Signed:

Debtor

Joint Debtor

*Joint debtors must provide information for both spouses.

Penalty for making a false statement: Fine of up to \$250,000 or up to 5 years imprisonment or both. 18 U.S.C. § 152 and 3571.